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09/719,289	02/23/2001	Nils-Gunnar Lonneborg	340058 529US	6207

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03/29/2004

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EXAMINER
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NGUYEN, JIMMY T

ART UNIT	PAPER NUMBER
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3725

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DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/719,289

Applicant(s)

LONNEBORG, NILS-GUNNAR

Examiner

Jimmy T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 10-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Election/Restrictions*

Applicant's election with traverse of Group I (claims 1-6) in Paper No. 8 is acknowledged. The argument regarding Group II is persuasive. Accordingly, Group I is now claims 1-9. The argument regarding Group IV is not persuasive. Group IV is a separate and distinct method from that of Group I. The invention of Group I does not require making one cut on an inner surface of the wear liner to *a predetermined depth that is less than the thickness of the wear liner*.

The restriction requirement as modified herein, is deemed proper and is therefore made FINAL.

An action on the merits of claims 1-9 follows.

### *Drawings*

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show “a press” (claim 2), “an external source connected to the press” (claim 3) to as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction

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or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the claim is incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The step of “inserting the wear liner into a cylindrical pressure chamber” (line 3) is improper without positively providing the pressure chamber. Therefore, the step of “providing a cylindrical pressure chamber” must recited prior to the step of “inserting the wear liner into the pressure cylinder”. Further, after the recitation “the wear liner in place” (line 4), the claim is unclear and has any meaning. For example, it is unclear what “expansion” and “inner pressure” refers to (i.e. expansion of what?). Further, it is unclear what “the yield point” refers to (i.e. yield point of what?). Examiner suggests ---- ... with expansion by inner pressure of the cylindrical pressure chamber above the yield point of the wear liner, ... ---.

Regarding claim 2, there is no antecedent basis for “the press” in the claim. Additionally, it is unclear at what point of the method steps of the preceding claim 1 does the closing step start occur.

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Regarding claims 7 and 9, the claims are functionally indefinite in that they do not recite sufficient structure to properly support the functional language. Additionally, the claims are functionally indefinite in that they fail to recite sufficient structure and their critical interrelationships to properly define the invention. The claims are basically considered totally incomplete in that they do not define sufficient structure to accomplish the intended results. For example: the claims recite only a pressure chamber and a wear liner arranged inside the pressure chamber. There is no further positive recitation of any further structure. Without further elements, the functional language "in a state of residual compressive stress" (claim 7, lines 2-3) and "a result of an expansion of the wear liner" (claim 9, line 2) is vague, unclear, and clearly indefinite. Further, it is unclear what "its" (claim 9, line 3) refers to.

All of the claims should be reviewed for clarity, definiteness and antecedent basis concerns.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-4 and 7-9, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Prevender (US 4,198,740).** Prevender discloses a method to provide a high pressure press including a cylindrical pressure chamber (fig. 1) with a liner (14), said method comprising the steps of: inserting the liner into the cylindrical pressure chamber (col. 2, line 4),

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closing the pressure chamber (col. 2, line 14) and applying an inner fluid pressure to the wear liner inside the press (col. 2, lines 26-37), the inner fluid pressure is supplied by an external pressure source (col. 2, lines 26-28) connected to the press; and the wear liner is plastically deformed (claim 1), the exterior surface of the liner (14) is in direct contact with the interior surface of the pressure chamber (12) when the liner is increased in diameter (fig. 3).

**Claims 7-8, as best understood, are also rejected under 35 U.S.C. 102(b) as being anticipated by Gärdin et al. (hereinafter "Gärdin") (US 5,765,465).** Gärdin discloses a high pressure press comprising: a cylindrical pressure chamber (6); a replaceable wear liner (2, 3) arranged inside the pressure chamber, wherein the wear liner is in direct contact with the interior surface of the pressure chamber (fig. 4).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4 and 9, as best understood, are also rejected under 35 U.S.C. 103(a) as being unpatentable over Gärdin et al. (hereinafter "Gärdin") (US 5,765,465), in view of Prevender (US 4,198,740).** Gärdin discloses the high pressure press substantially as claimed as set forth above. Gärdin does not disclose the liner is being placed in the pressure chamber by applying an inner fluid pressure to the wear liner as claimed. However, the patent to Prevender teaches that it is old and well known in the liner placing/fixing art, to place a liner (14) in a

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pressure chamber (fig. 1) by applying an inner fluid pressure to the wear liner inside the pressure chamber with the method steps of: inserting the liner into the cylindrical pressure chamber (col. 2, line 4); closing the pressure chamber (col. 2, line 14) and applying an inner fluid pressure to the wear liner inside the press (col. 2, lines 26-37); the inner fluid pressure is supplied by an external pressure source (col. 2, lines 26-28) connected to the press; and the wear liner is plastically deformed (claim 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Gärden with a liner placing method step, as taught by Prevender, in order to improve the bonding of the liner to the pressure chamber (col. 1, lines 39-45).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art listed on the attached PTO 892 are cited to show relevant liner/tuber bonding processes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (703) 305-5304. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Ostrager can be reached on (703) 308-3136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen  
March 18, 2004



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